

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, OCTOBER 20, 2021 @ 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard Woodland
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony J. Trevisani
Town Attorney Herbert Cully
Highway Superintendent Richard Sherman
Highway Chris Moran
Police Chief Michael Inserra
Town Clerk Cheryl Jassak-Huther

ABSENT: Assistant Director of Personnel Barbara Schwenzfeier

Thereafter a quorum was declared present for the transaction of business.

I. PUBLIC HEARING

Town Attorney Herbert Cully – as the Board will recall, on July 14, 2021 we passed a Local Law providing for the installation of a stop sign on Janet Terrace at its intersection with Wills Drive. We held a Public Hearing; Local Law was passed and stop sign was installed; a gentleman approached the Town Board – he had some concerns about the process – he was concerned with the stop sign and felt that created a dangerous situation with a stop sign – The Board decided they would like to hold another public hearing on the issue of whether or not: 1. You should rescind that prior resolution and thus eliminate the stop sign or 2. in the alternative reaffirm that Local Law and allow the stop sign to exist 3. To replace that stop sign with a yield sign. This is a Public Hearing to ask for public comment as to whether or not the stop sign should consider to exist, whether it should be completely removed or whether it should be changed to a yield sign.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 367 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to open the Public Hearing in regards to the stop sign.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

RESIDENTS

1. Carol Gschwind – 27 Janet Terrace – lived there since 1960 – thinks a yield sign would be sufficient, doesn’t think a stop sign is necessary
2. Mitch Ford – 45 Wills Drive – lived there six (6) years – called back in June for a stop sign – twice have come down the street: first time I had plenty of time to avoid a collision, second time I slammed on my breaks on, veer to the left and almost ended up on someone’s front lawn. That is when I called the Town and said something needed to be done. People are going up that road faster and faster. My family walks on those roads (Janet Terrace and Wills Drive). Just because there haven’t been any accidents there in so many years, something is going to happen at some point. It has almost happened to me twice. If you don’t have any signage – and someone gets hurt – are there any repercussions the Town can take for that?; Town Attorney Herbert Cully – sure, they can sue; Mitch Ford – it is a safety issue – asked police chief who would get a ticket if there is no sign; Chief Inserra – with no sign, its subject A against subject B (driver 1 said this driver 2 said this) – going to be honest with the Board – that intersection does need signage – should be a stop sign – yield signs still leave a lot of interpretation to determine who is at fault – you might not see people walking or kids – stop sign certainly establishes this car must stop and if there is an accident, that car is at fault, very easy to investigate; Mitch Ford – Councilman Lenart asked a question last time if a stop made a difference – Mitch Ford responded – yes, people do stop there, its very effective. Stealing signage is a crime – it is very disturbing that someone had the guts, go take the bolts out, leave the bolts out and take the sign took – it has to be in someone’s garage. If there was an accident at that point, and that sign was gone, there would be a real problem.; Town Attorney Herbert Cully – so your position is that we should leave the stop sign as is; Mitch Ford – yes, leave the stop sign; Chief Inserra – is it possible to put a stop line; Highway Superintendent Richard Sherman – yes, we can do that.
3. Robert Vanderlan – 6 Wills Drive – people are slowing down a lot.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 368 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to close the Public Hearing in regards to the stop sign.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

DISCUSSION: Councilman Messa – all about safety, best thing to do is leave the stop sign up; Councilman Reynolds – sign is working, it is ludicrous to take it down now, it has value, its working, fact that the sign was stolen is not funny, keep the sign up – we should take a report on it and have it on file and if it shows up ok, you can’t steal a traffic device, whoever took it, left the bolts – that’s wrong; Councilman Woodland – in support as well to keep up; Supervisor Miscione – agrees to keep it up and put the stripe; Mitch Ford – thank you for not taking the sign down; Town Attorney Herbert Cully – we don’t have to vote on it – the existing Local Law exists.

II. MEETING MINUTES

1. September 29, 2021

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Woodland.

(RESOLUTION NO. 369 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to approve the September 29, 2021 meeting minutes.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. October 6, 2021

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 370 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to approve the October 6, 2021 meeting minutes.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

III. MATTERS SUBMITTED BY TOWN SUPERVISOR

1. Budget Transfers

A. Increase A90620-8 Medicare Reimbursement and Decrease A90600-8 Hospital, Medical Insurance for \$6,141.38

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 371 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to approve the budget transfer to cover Medicare Reimbursement shortage (Increase A90620-8, decrease A90600-8 for \$6,141.38).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

B. Increase B90620-8 Medicare Reimbursement and Decrease B90600-8 Hospital, Medical Insurance for \$574.17

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 372 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to approve the budget transfer to cover Medicare Reimbursement shortage (Increase B90620-8, decrease B90600-8 for \$574.17).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- 2. Vacancy on the Planning Board – received two resumes (Dominick Timpano and Lisa Britt) – been open for three months
 - A. Dominick Timpano – has extensive background in building, OSHA, working for NYS, construction
 - B. Lisa Britt – has a background in Communications and Technology

Councilman Reynolds – made a motion to accept Mr. Timpano’s request for the Planning Board (Councilman Woodland said “I’ll second it” and raised his finger up and Supervisor Miscione said 2nd by Rich Woodland, Discussion, all in Favor (indiscernible); then Councilman Messa said “you didn’t second it (to Councilman Woodland)?”; Supervisor Miscione – oh you didn’t second (to Councilman Woodland); Councilman Woodland – “No, I said we didn’t have a second”; Supervisor Miscione asked if everyone reviewed the resumes and asked if we should move it to the next meeting, table it; Councilman Woodland – well the other candidate, do we bring it up?; Councilman Lenart – go ahead; Councilman Woodland – motion for Lisa Britt; Councilman Lenart – Second;

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 373 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to approve Lisa Britt to the Planning Board.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Nay
Councilman Woodland	-	Aye
Supervisor Miscione	-	Nay

The Resolution was declared, carried and duly Adopted, Councilman Reynolds Nay and Supervisor Miscione Nay.

- 3. Association of Towns Meeting – NYC – February 20 – 23, 2022 – attending: Darlene Abbatecola, Barbara Schwenzfeier, Councilman Lenart and Councilman Woodland – we send it in of who is going and in Organizational Meeting e approve who is going – Highway Superintendent Richard Sherman stated he will pay himself

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 374 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve Supervisor Miscione to send in the application for attendees for the Association of Towns Meeting in New York City, February 20 – 23, 2022.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

IV. MATTERS SUBMITTED BY HIGHWAY SUPERINTENDENT RICHARD SHERMAN

- 1. Oneida Street Pre-Cast Concrete Box Culvert BID (John Dunkle gave report); received four (4) bids: 1. LHV Precast, Inc. - \$131,504.00; 2. The Fort Miller Company - \$149,517.00; 3. Binghamton Precast - \$164,727.50; 4. Kistner Concrete Products- \$167,980.00; Just for the box culvert – installation is out for bid and due Nov. 17, 2021; they will deliver the box culvert – will be ready in March

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 375 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to award the bid to LHV Precast, Inc. for \$131,504.00.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

V. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

1. Prior Bid that was awarded at last meeting for Mud Creek Dam Project –one bidder objected to Marcy’s bid because more than a MAX. of 5% for mobilization was included in the bid; After the Board awarded the bid, John Dunkle received an email from the challenging contracting stating they awarded the bid to someone who was also over (he challenged the award).; Town Attorney Herbert Cully – By the Law, a Town has a right to waive a technical, non-compliance if it feels it is in it’s best interest in connection with awarding the bids. The thought is, we re-affirm the bid and waive the technical, non-compliance of exceeding the 5%. The reason being, because now the 60 days is gone on the bids and we would have to scratch them all and start over (re-bid the whole the whole project again); John Dunkle – this was a technical, minor issue. In the contract, the bid item, there is payment item for mobilization – in the payment item it says that item should not exceed 5% of your total bid, excluding the other items; Town Attorney Herbert Cully – we would reaffirm the award, subject to the modification that no payment be made in excess of the 5%. The Law is – if the Board is acting in good faith and there is no collusion, it’s of no significance and Keller already offered that.; John Dunkle asked Town Attorney Herbert Cully – to respond to the challenger (contractor) going forward.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 376 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the motion to reaffirm with the condition that the payment reflect no payment in excess of the 5% (Keller – Mud Creek Dam Project).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

VI. ADDITIONAL MATTERS SUBMITTED BY TOWN SUPERVISOR

1. Additional Cash/Checks found in the Town Clerk's Office – should send in state from the Comptroller's Office to audit – finding cash and checks dating back to 2019 – what happened to 2017 & 2018, etc. – right now with what Cheryl has been doing, everything is up to date with cash receipts the Supervisor gets from the Clerk's Office – previous to that (before Cheryl), we've had numerous discrepancies from all these deposits to what is on the monthly reports and what has actually been deposited. This is ongoing and becoming a problem. This time \$380 was found in an envelope box (not labeled) with other envelope boxes, on the shelf with letters with Melody Fancett's name on them saying 'will return your cash' but letters were sent and cash was still attached to the application; Supervisor Miscione asked Town Clerk to contact the Comptroller's Office; Town Attorney Herbert Cully – Councilman Reynolds had asked me to pull up the Law. The Law requires the Town Clerk to maintain a daily log of all monies that are taken in. Councilman Reynolds asked where that log is; Town Clerk Cheryl Jassak-Huther – all I know is, since I've been here, we date stamp all incoming correspondence, log into an Excel spreadsheet every day (date on envelope, date received, what for, from who, check or cash, and any other information needed); Town Attorney Herbert Cully – the other aspect is, the Town Clerk has to deposit all monies received when they exceed \$250 within three (3) business days of when received; Town Clerk Cheryl Jassak-Huther – during tax season, when Jim from the County came in to help me fix all the discrepancies, he found a deposit that had sat in a desk for ten (10) days of over \$380,000 in checks before was deposited (we showed Paul); Supervisor Miscione – also, we're missing all kinds of documents from computers in the Clerk's Office from everything we've done in the past couple of years. They've been deleted (FOIL requests, Public Notices, etc.). Will be sitting with IT to review this matter; Councilman Messa – since they found this box, did we do a sweep of the office; Town Clerk Cheryl Jassak-Huther – we've cleaned the Clerk's Office – started cleaning Washington Mills Building – also cleaned all Clerk's files in the back room (each box was gone through paper by paper, then boxes were labeled and places on the shelves in the caged (now locked up). When we found the money, we called each person to see if still needed the documents before sending the money back. A record is kept of every application/check/cash found and send back.; Supervisor Miscione – has already let the auditors know; Councilman Reynolds – is there anything still in Washington Mills; Town Clerk Cheryl Jassak-Huther – I have cleaned 50% of it; Chris Moran – there is stuff from the 70's, maps, etc. Most of the Town Clerk's Office has been brought over to the Town Hall already; Town Clerk Cheryl Jassak-Huther – we have labeled everything but a lot of years are missing. The girls and I have come in on weekends to clean the back room and 90% is done and gone through. Just ask permission to send back the money back to the applicants.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 377 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for the Town Clerk to contact the State Comptroller's Office to come in for an audit.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Messa.

(RESOLUTION NO. 378 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to allow the Town Clerk to return the money from 2019/2020 for Birth and Death Certificates to the applicants that did not receive their certificates.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. 2022 Preliminary Budget Public Hearing – scheduled for Wednesday, October 27, 2021 at 6pm at the Town Hall in the Court Room – it was published in the Observer Dispatch

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 379 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to confirm the scheduling of the Public Hearing for the 2022 Preliminary Budget on October 27, 2021 at 6:00pm at the Town Hall in the Court Room.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

VII. ADDITIONAL MATTERS SUBMITTED BY COUNCILMEN

1. Councilman Lenart – asked if had a report from the Senior Center – no report was submitted to the Supervisor office; Councilman Lenart – they were given two (2) weeks to come up with a plan, was expecting a plan; Councilman Reynolds – they did supply a hand written plan at the last meeting; Councilman Lenart – looking for a specific plan and what will be done; they held a pizza party last week that was well attended; Councilman Lenart will follow up with them.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 380 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to enter into Executive Session (6:49pm)

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa.

(RESOLUTION NO. 381 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to come out of Executive Session (7:10:pm)

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa.

(RESOLUTION NO. 382 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to have Hyesun Lee deposit the Town Clerk Monthly Report checks submitted to the Town Supervisor.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 383 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to go out for bid for the Rec Center roof (half the roof – we have the BOND).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 384 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to pay the vouchers (bills).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

ADJOURNMENT:

There being no further business to come before the Town Board, upon motion of Councilman Messa and second by Councilman Lenart the meeting was adjourned at 7:13 p.m.

(RESOLUTION NO. 385 OF 2021)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the approval to adjourn.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was declared unanimously carried and duly *ADOPTED*

Respectfully submitted,

Cheryl A. Jassak-Huther
Town Clerk